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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,239	08/31/2001	Peiguang Zhou	KCC-16,163	1306

7590 12/22/2004

Senniger, Powers, Leavitt & Roedel
One Metropolitan Square, 16th Floor
St. Louis, MO 63102

EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,239

Applicant(s)

ZHOU ET AL.

Examiner

Jennifer A Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-33 and 70-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-33, 70-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed October 13, 2004, have been entered and have been carefully considered. Claims 1 – 23, 34 – 69 and 83 – 107 are cancelled and claims 24 – 33 and 70 – 82 are pending. The invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 24 - 33 and 70 – 82 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tanzer (WO 01/15646) in view of Yang (US 5,539,056). The details of the rejection are discussed in paragraph 3 of the previous Office Action dated July 13, 2004. The rejection is maintained.

Response to Arguments

4. Applicant's arguments filed October 13, 2004 have been fully considered but they are not persuasive.

5. In response to Applicant's argument that the Examiner lacks motivation to combine Tanzer and Yang et al. references, the Examiner respectfully argues the contrary. Tanzer teaches an *absorbent composite 44* comprising a selectively stretchable liquid permeable *first substrate*

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layer 46 and a selectively stretchable *second substrate layer 48* (page 6, lines 1 – 5 and Figure 2). The primary reference, Tanzer, teaches that a *neckable web 112* may be used for either the *first substrate layer 46* or the *second substrate layer 48* or both (page 9, lines 6 – 10). The *layers 46* and *48* can be secured by a water insensitive attachment means (page 6, lines 25 – 28). It should be noted that Tanzer fails to teach the composition of the water insensitive attachment means. The secondary reference, Yang, teaches thermoplastic elastomer comprising a blend of about 10 – 90 weight percent of an amorphous polypropylene having a molecular weight of at least 150,000 and about 10 – 90 weight percent of a crystalline polypropylene having a molecular weight of less than about 300,000 (column 2, lines 33 – 48). Yang specifically states that the polyolefin composition of the invention is preferably used in any thermoplastic elastomer application including adhesives (column 20, lines 20 – 30) and that the polyolefin composition is useful in applications such as in diaper waistbands, surgical drapes and gowns (column 20, lines 20 – 35). Yang teaches that the composition of the invention is very flexible and strong (column 1, lines 35 – 40). Further details of Yang are discussed in paragraph 3 of the previous Office Action dated July 13, 2004. It is the position of the Examiner that Yang provides sufficient motivation to use the thermoplastic elastomer adhesive of Yang in the absorbent composite of Tanzer due to flexibility and strength of the composition, both which are important properties in absorbent materials such as diapers and medical gowns.

6. In response to Applicant's Arguments that the Examiner relies on picking from a laundry list disclosure of various uses of the composition of Yang, the Examiner respectfully submits that Yang specifically states that the polyolefin composition can be used as an adhesive (column 20,


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lines 20 – 30). It would be improper to ignore the disclosure of the use of the composition as an adhesive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Boyd
December 16, 2004



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700